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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 ROBERT TUNSTALL,

10 Petitioner,

No. 2:04-cv-2658 JAM JFM (HC)

11 vs.

12 TERESA A. SCHWARTZ, et al.,

13 Respondents.

ORDER

14 \_\_\_\_\_/  
15 Petitioner is a state prisoner proceeding pro se with an application for a writ of  
16 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner's application was denied on March 17,  
17 2008, and judgment was entered on the same day. Petitioner has appealed the judgment to the  
18 United States Court of Appeals for the Ninth Circuit. On October 30, 2008, petitioner filed a  
19 motion for the appointment of counsel.<sup>1</sup> There currently exists no absolute right to appointment  
20 of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996).  
21 However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if  
22 the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the  
23 present case, the court does not find that the interests of justice would be served by the  
24 appointment of counsel at the present time.

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26 <sup>1</sup> Petitioner previously filed requests for appointment of counsel on January 13, 2006, November 29, 2006, December 7, 2006, December 21, 2006, December 19, 2007 and April 7, 2008.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's October 30, 2008 motion for appointment of counsel is denied; and

2. The Clerk of the Court is directed to serve a copy of this order on the United States Court of Appeals for the Ninth Circuit.

DATED: November 24, 2008.

  
UNITED STATES MAGISTRATE JUDGE

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